

or approach one another under certain conditions, to construct connections for the interchange of freight, cars and tonnage; defining when it is an abuse not to do so; and requiring them to connect, when ordered to do so by the Railroad Commission; providing the power of condemnation for said purposes; and giving the Railroad Commission power to require the construction of such connecting tracks."

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 12, To amend Section 51 of Article 3 of the Constitution of the State of Texas, as amended in 1903, so as to authorize the grant of aid in the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and making an appropriation,

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 23, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 203, A bill to be entitled "An Act to incorporate the trustees of the Independent School District of the city of San Antonio, Texas, under the name 'San Antonio School Board,' with power to make contracts, to be a party to actions in courts, to receive gifts, grants, conveyances, donations or devises for use of public free schools of said city and district, and power to levy taxes, to issue and dispose of bonds and provide for payment of same, to borrow money, to appoint depositories for the funds of said board, to adopt text-books, and to do all acts authorized by this law, and providing for an emergency; and repealing an act passed at the Regular Session of the Twenty-eighth Legislature of the State of Texas, Chapter CXXVIII, of the General Laws, incorporating the Independent School District of the city of San Antonio; and repealing an act passed at the Regular Session of the Twenty-ninth Legislature of the State of Texas,

Chapter 96, of the General Laws, entitled 'An Act to amend Section 17 of an act incorporating the trustees of the Independent School District of the city of San Antonio, Texas, passed at the Regular Session of the Twenty-eighth Legislature of the State of Texas, Chapter CXXVIII, of the General Laws, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 196, A bill to be entitled "An Act to restore and confer upon the county court of Lipscomb county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 171, A bill to be entitled "An Act to amend Section 53, Article 642, Chapter 2, Title XXI, of the Revised Statutes of Texas, and to validate certain bonds issued by terminal railway companies,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas.

Wednesday, February 27, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Faust.
Barrett.	Glasscock.
Brachfield.	Green.
Chambers.	Greer.
Cunningham.	Griggs.

Grinnan.	Meachum.
Harbison.	Senter.
Holsey.	Skinner.
Hudspeth.	Stone.
Kellie.	Terrell.
Looney.	Veale.
Masterson.	Watson.
Mayfield.	

Absent.

Harper.	Smith.
Murray.	Willacy.
Paulus.	

Absent—Excused.

Stokes.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of yesterday, on motion of Senator Green, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

EXCUSED.

On motion of Senator Terrell, Senator Meachum was excused from attendance upon the Senate for Friday and yesterday on account of sickness in family.

On motion of Senator Chambers, Senator Willacy was excused from attendance upon the Senate indefinitely on account of sickness.

BILLS AND RESOLUTIONS.

By Senator Masterson:

Senate Concurrent Resolution No. 4, requesting the Governor to return Senate bill No. 165 for correction.

Read and laid on the table subject to call.

Morning call concluded.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 5, A bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food, drink, paints and drugs, and prescribing penalties for the violation of this act, and to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act."

House bill No. 112, A bill to be entitled "An Act to require all incorporated stock companies doing a life, fire, or marine insurance business within the State of Texas to invest at least seventy-five per cent of the reserve set apart for the final payment of policies issued in this State in Texas securities and Texas property, and to keep the securities in which such reserve is invested deposited in the vaults of the Treasury of the State of Texas for the security of Texas policy holders."

House bill No. 140, A bill to be entitled "An Act to amend Article 641 of the Penal Code of Texas, relating to abortion, and defining the meaning of that term, and providing punishment for those guilty of the offense of abortion as defined."

House bill No. 187, A bill to be entitled "An Act to create a board of veterinary examiners of Texas, and to regulate the practice of veterinary science in Texas, and providing a punishment for the violation thereof."

House bill No. 68, A bill to be entitled "An Act to amend an act to prescribe the time within which statement of facts, bills of exceptions may be filed in causes tried in the district and county courts of Texas; and to authorize judges whose term of office has expired to approve the same, being Chapter 25 of the Acts of 1903, approved February 28, 1903; amending so that judges also have twenty days after adjournment of the term of court at which said cause may be tried to file findings of fact and conclusions of law."

House concurs in Senate amendments to House bill No. 67, by the following vote: Yeas, 109; nays, 1.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 5, read and referred to Judiciary Committee No. 2.

House bill No. 112, read and referred to Committee on Insurance, Statistics and History.

House bill No. 140, read and referred to Judiciary Committee No. 2.

House bill No. 187, read and referred to Judiciary Committee No. 2.

House bill No. 68, read and referred to Judiciary Committee No. 1.

SENATE BILL NO. 58.

The Chair laid before the Senate, on second reading, special order,

Senate bill No. 58, A bill to be entitled "An Act to amend Article 21 of Title IV of the Revised Civil Statutes of Texas, and to create the Sixth Supreme Judicial District of Texas, and provide for the organization of a Court of Civil Appeals within and for the Sixth Supreme Judicial District of Texas."

AMENDMENT TO THE RULES.

Senator Greer called up, as a privileged matter, the committee report by the Committee on Rules, amending the Rules of the Senate and House of Representatives.

The Chair laid the following committee report before the Senate:

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs. We, your Joint Committee on Rules, respectfully submit the following amendments to the Senate and House Rules:

Amend Rule XXVIII of the Senate Rules by adding at the end thereof the following:

"And it shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject, to first consider and report upon the House bill."

Also add to Rule XXIIa of the Senate Rules the following:

"When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill."

Also by adding to Rule XXX of the Senate Rules, after the word "Legislature," the following:

"And no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein."

Also add to Section 11, Division 2a of the Senate Rules, the following:

"On Wednesday and Thursday of each week only House bills on their third and second reading, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment on Thursday, it shall go over until the succeeding day, Friday, until disposed of."

Also by adding to Rule IX, Section 5, of the House Rules, the following:

"But it shall be the duty of each committee of the House when there has been referred to it or is before it for consideration a House bill and a Senate bill containing the same subject, to first consider and report upon the Senate bill."

When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

GREER,

Chairman, Senate Committee.

HAMILTON,

Chairman, House Committee.

On motion of Senator Barrett, the committee report was considered as a whole.

Senator Greer moved the adoption of the committee report, and

Senator Alexander offered the following amendment:

Amend Section 11, Division 2a, of Senate Rule by striking out the word "only" in the second line and inserting the word "first" after the word "shall" in line 3.

Senator Stone made the point of order in that the amendment sought to change the rules of the Senate that notice of its introduction would have to lay over for one day.

The Chair sustained the point of order.

The committee report was adopted by the following vote:

Yeas—21.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Grinnan.	Watson.
Holsey.	

Absent.

Faust.	Kellie.
Harbison.	Murray.
Harper.	Paulus.
Hudspeth.	Smith.

Absent—Excused.

Stokes.	Willacy.
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Senator Greer moved to reconsider the vote by which the report was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 4.

The Chair laid before the Senate, as privileged matter,

Senate Concurrent Resolution No. 4, Requesting the return from the Governor of Senate bill No. 165 for correction.

The resolution was read and adopted.

SENATE BILL NO. 58.

Action then recurred on Senate bill No. 58, which had been laid before the Senate, and

Senator Brachfield raised the point of order that this bill could not be, under the rules just adopted, considered today, as this was Wednesday.

Senator Terrell then moved to suspend the rule for the purpose of considering this bill, stating that it could be done by a two-thirds vote.

The point of order was made against this motion, and

The Chair overruled the point of order, and stated that the question was on the motion by Senator Terrell to suspend the regular order of business, and

Senator Terrell withdrew his motion.

HOUSE BILL NO. 10.

The Chair laid before the Senate, on second reading, and under the rule adopted today,

House bill No. 10, A bill to be entitled "An Act to amend Article 359, Chapter 4 of Title X, of the Penal Code of the State of Texas, defining what constitutes a disorderly house so as to include any house in which intoxicating liquors are sold in any county, justice's precinct, school district, city or town or subdivisions of any county in which the sale of intoxicating liquors is prohibited by law."

The question being on the amendment by Senator Hudspeth (see page 357 for the amendment.)

Senator Murray raised the point of

order that the committee amendments, which had been adopted, were not germane to the subject matter of the bill, in that the amendments injected new matter into the bill.

The Chair overruled the point of order.

Question then recurred on the amendment by Senator Hudspeth.

SIMPLE RESOLUTION—NOTICE OF INTRODUCTION.

Hon. A. B. Davidson, President of the Senate:

We hereby give notice that on Thursday, February 28, 1907, we shall offer the following amendment to Division 2a, Section 11, of the Rules of the Senate: "And it shall require four-fifths of the Senators present to suspend this Rule."

SKINNER,
LOONEY,
GREER,
CUNNINGHAM,
MEACHUM,
ALEXANDER,
CHAMBERS,
SENER,
MAYFIELD,
HOLSEY,
GLASSCOCK,
GRINNAN,
BRACHFIELD,
MURRAY,
VEALE,
STONE,
FAUST,
BARRETT,
WATSON,
GRIGGS,
MASTERSON,
TERRELL.

REASONS FOR VOTING.

I voted for the substitute exonerating Senator Bailey, and against the proposition to send a sub-committee outside the State on a junketing tour for the purpose of securing the testimony of H. Clay Pierce, for the following reasons:

1. This committee was appointed more than five weeks ago, and for four weeks has been sitting with the House committee, hearing the testimony of every witness offered, investigating every charge, rumor and "on dit" that has been filed, and the substance of all the testimony is now well known to every Senator and to all the people of Texas, and the House committee has closed its case.

2. The House sub-committee had arranged to meet H. C. Pierce in St. Louis on February 15th, and on the 11th a

requisition for Pierce was issued and an officer sent to St. Louis in order to effect his arrest on a criminal charge pending in the district court of Travis county, and the probabilities are that under the circumstances Pierce's testimony can not be procured.

3. Pierce's written statement heretofore published corroborates the evidence of Senator Bailey, and Governor Francis and those who oppose Senator Bailey are frank to say that they would not believe Pierce's testimony if offered.

4. To send this committee out of the State would mean weeks of delay, and would probably prevent any report at this session of the Legislature and would be such a grave injustice to Senator Bailey that I can not agree to be a party to it.

5. This investigation has cost the State of Texas many thousands of dollars and has interfered materially with legislation, and to continue it indefinitely would mean much additional expense.

6. I believe the great majority of the Democrats of Texas are fully satisfied that the work of the committee has been full and fair, and in the minds of an overwhelming majority of the Democrats of Texas Senator Bailey has been fully exonerated and is enshrined in the hearts of his constituents as a true and faithful representative of the people's interest, and his enemies could not be convinced, "though one rose from the dead."

7. Personally, I believe there is nothing in the testimony that reflects on the personal or official integrity of Senator Bailey and he stands the peer of any man in the Nation, the friend of the people, an honor and a credit to this great State.

ALEXANDER.

BILL SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

House bill No. 362, "An Act incorporating the Bowie Independent School District in Montague county, Texas, for free school purposes only, defining its boundaries and providing for a board of trustees; divesting the city of Bowie of the control of its public schools entitled to school property and vesting the same in said Bowie Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Bowie Independent

School District and its board of trustees, and declaring an emergency."

ADJOURNMENT.

Senator Skinner moved that the Senate recess until 2:30 o'clock today, and Senator Veale moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until tomorrow morning at 10 o'clock was adopted by the following vote:

Yeas—14.

Alexander.	Mayfield.
Chambers.	Meachum.
Griggs.	Murray.
Holsey.	Senter.
Hudspeth.	Stone.
Kellie.	Veale.
Masterson.	Watson.

Nays—11.

Barrett.	Greer.
Brachfield.	Looney.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Terrell.
Green.	

Absent.

Grinnan.	Harper.
Harbison.	Smith.

Absent—Excused.

Stokes.	Willacy.
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APPENDIX.

PETITIONS.

By Senator Watson:

Galveston, Texas, Feb. 23, 1907.

To the Honorable Legislature of Texas:

We, the undersigned officers of the banks of this city, hereby state that if laws are passed by which buyers of spot cotton are unable to hedge or sell or buy against their holdings through the legitimate exchanges, we would have to require larger margins according to the price cotton was selling for, and perhaps if above 10 to 12 cents such margins, in order to protect the banks would run from \$10 to \$20 per bale, for under such conditions the owner of such cotton not hedged would have to take the chances on a rise or fall in the market.

Numerously signed by business men of Galveston, San Antonio and Houston.

By Senator Watson:

Hon. Q. U. Watson, Senate Chamber,
Austin, Texas:

We, the undersigned tax paying citizens of Brenham, Washington county, Texas, respectfully request that you use your influence to secure the passage of a bill repealing occupation taxes on useful occupations.

Numerously signed.

By Senator Looney:

Greenville, Texas, Feb. 15, 1907.

To the Hon. B. F. Looney, Austin Texas.

Dear Sir: We, the undersigned barbers of Greenville, Texas, respectfully request you to vote and use your influence against the bill introduced in the Legislature requiring barbers to pay an occupation tax, and to be examined by a board of examiners and obtain a certificate before they can pursue their occupation as such. We believe it would be an unjust tax on honest labor and would benefit no one but the board of examiners; besides, it would create more appointive officers to be used for political purposes.

Numerously signed.

By Senator Looney:

February 26, 1907.

Hon. B. F. Looney, Austin, Texas.

Dear Sir: We, the undersigned citizens of Wolfe City, beg to say that we believe the majority of people here are opposed to the Mayfield anti-exchange or future contract bill, as being too drastic and against the interest of the producers.

Therefore, we ask that you support the Watson substitute bill, which we understand kills the bucket shop business, but allows legitimate business.

Numerously signed.

By Senator Cunningham:

We believe that the proposed measure introduced by Senator Mayfield is too drastic and far-reaching in its present form. We believe some legislation is necessary to suppress the "bucket-shop" evil in the State, but do not believe in any drastic measure being passed.

We believe it is to the best interest of the cotton producer, the cotton factor and the merchant to regulate the buying and selling of cotton for future delivery.

We believe the regular cotton exchanges should receive the support and sanction of the business element as well as the farming element of the country.

We would, therefore, respectfully urge you to use your influence and vote

against this measure, and advise a more conservative action.

Numerously signed.

By Senator Cunningham:

To the Thirtieth Legislature of Texas:

We, the undersigned residents and tax payers of Winkler county (unorganized), would respectfully petition your honorable body to detach our county from Reeves county, and attach it to Ector county for judicial purposes. We make this request uninfluenced by political motives, and solely for our convenience.

Numerously signed.

By Senator Harbison:

To the Honorable Legislature of Texas:

We, the undersigned subscribers, believe that some legislative action is necessary to check the alarming growth of gambling in futures, and at the same time we do not wish to be deprived of the benefits of market information. We, therefore, respectfully request that you adopt some legislation, such as the Watson-McGregor bill now before the Legislature, which will remove gambling from futures and leave the legitimate features unchanged, which we believe to be beneficial.

Numerously signed by citizens of Sherman, Gunter and Denison, Texas.

By Senator Glasscock:

Bertram, Texas, February, 23, 1907.

Hon. G. W. Glasscock, Austin, Texas.

To the Honorable Legislature of the State of Texas:

We, the undersigned members of Bertram Local Union No. 4075, ask your honorable body to enact the bill known as the "bucket shop" bill, which is intended to eliminate gambling in futures.

Numerously signed.

By Senator Glasscock:

To the Honorable Legislature:

We, the members of Oatmeal Union No. 2348, by a unanimous vote, ask that your honorable body enact the bill now pending, the intention of which eliminates the bucket shop and gambling in futures.

Numerously signed.

By Senator Chambers:

Mt. Vernon, Texas, Feb. 22, 1907.

Hon. C. M. Chambers, Austin, Texas.

Dear Sir: We, the undersigned citizens and business men of Mt. Vernon, believing that the law requiring merchants to pay an occupation tax is unjust, respectfully request you to use your best efforts with the Finance Committee and with the Senate in the ef-

fort being made to have the law repealed.

Numerously signed.

By Senator Hudspeth:

February 16, 1907.

To the Members of the Senate and House of Representatives of the State of Texas:

We, the undersigned citizens of Menard and Kimble counties, respectfully and earnestly request that you enact a law having for its object the elimination of "future" speculation in farm products.

Numerously signed.

COMMITTEE REPORTS.

(Floor Report.)

Committee Room,
Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 304, A bill to be entitled "An Act to create a more efficient road law system for Medina county, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, providing for their compensation as road commissioners, and providing and defining the duties and powers of such county commissioners, etc., and for the emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Green, Chairman; Veale, Watson, Meachum, Mayfield, Hudspeth, Senter.

(Floor Report.)

Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 410, A bill to be entitled "An Act to create a more efficient road system for Washington county, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of

said county, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Green, Chairman; Veale, Watson, Meachum, Mayfield, Hudspeth, Senter.

(Floor Report.)

Committee Room,
Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 317, A bill to be entitled "An Act to amend Section 2, Chapter 5, of the General Laws of the State of Texas, passed by the First Special Session of the Twenty-fifth Legislature, limiting the fees of district clerks and other officers, and declaring an emergency,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Brachfield, Chambers, Green, Skinner, Griggs, Senter, Masterson, Veale, Grinnan.

Committee Room,
Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 190, A bill to be entitled "An Act to amend Chapter 128 of the Acts of the Regular Session of the Twenty-sixth Legislature of the State of Texas,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend Section 1 by striking out the words "forty-eight hours" and insert in lieu thereof the words "ten days."

BRACHFIELD, Chairman.

Committee Room,
Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Com-

pany now owned and hereafter acquired," etc.,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but that the following substitute do pass.

BRACHFIELD, Chairman.

C. S. for S. B. No. 6. By Committee.

A BILL

To Be Entitled

An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Company now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company and as part of its own lines, and to extend the said railroads, and to construct branches therefrom, by amendment to its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same, or any part thereof, to the Gulf, Colorado & Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of the said other company, and until such purchase is made to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase and own the capital stock of the Texas & Gulf Railway Company; and to require as a condition hereof the construction of a railroad by either of said companies from Longview, Texas, to a point on Red River, in Texas, and of a railroad from a point on the railroad of the Texas & Gulf Railway Company to a point on the railroad of the Gulf, Beaumont & Great Northern Railway Company, and for such purposes to authorize the Gulf, Colorado & Santa Fe Railway Company or the Texas & Gulf Railway Company to amend its charter under the General Laws of the State.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Gulf, Colorado & Santa Fe Railway Company is hereby authorized and empowered to purchase the railroads and all other properties of every character of the Texas & Gulf Railway Company now owned and hereafter acquired (the said Texas & Gulf

Railway Company now owns a railroad from Longview, in Gregg county, to Watterman, in Shelby county, Texas), and the corporation or corporations, person or persons, now or hereafter owning the said properties are authorized and empowered to sell, transfer and convey the said railroads and all such other properties, real, personal or mixed, to the Gulf, Colorado & Santa Fe Railway Company; when the said properties are so purchased by the Gulf, Colorado & Santa Fe Railway Company, it, the said Gulf, Colorado & Santa Fe Railway Company, shall, and it is hereby authorized to own and operate the same under its charter and as a part of its own lines, and it shall have the right, by amendment to its charter, under the General Laws of this State, to extend the said railroads and to construct branches of the said railroads and of the extensions thereof.

Sec. 2. In addition to the stocks and bonds heretofore issued by it, the Gulf, Colorado & Santa Fe Railway Company is hereby empowered and authorized to issue its stock and bonds, either or both, to make payment for the said properties, but the said stocks and bonds shall not be used at less than par value, and before the same shall be issued, so much thereof as shall be used to pay for property in this State shall be approved by an order of the Railroad Commission of Texas and registered by the Secretary of State; before making such order the Railroad Commission shall require satisfactory evidence that all bonds heretofore issued by the said Texas & Gulf Railway Company have been satisfied and canceled; provided, that before approval of any bonds or stocks under this act, the Railroad Commission shall require the filing of all agreements relating to the purchase price and all other data pertaining thereto.

Sec. 3. The said Gulf, Colorado & Santa Fe Railway Company shall have the right to either purchase and pay for such railroads and other properties as provided in Section 2 of this act, or it may purchase the said railroads and other properties subject to all bonds and mortgages of the Texas & Gulf Railway Company then owing or outstanding, and the said Gulf, Colorado & Santa Fe Railway Company may issue a sufficient amount of its stock to pay for the said railroads and properties, subject to the bonds and mortgages then outstanding; such stock so issued by the Gulf, Colorado & Santa Fe Railway Company to be first approved by the said Railroad Commission. In the event a purchase be made under this section,

the Gulf, Colorado & Santa Fe Railway Company may at any time thereafter issue its bonds in exchange for the bonds outstanding of the Texas & Gulf Railway Company; provided, the said bonds so to be issued in exchange shall be approved by the said Railroad Commission, which shall require satisfactory evidence of the cancellation of the bonds of the Texas & Gulf Railway Company, before approving the bonds so to be issued by the Gulf, Colorado & Santa Fe Railway Company.

Sec. 4. No bonds that may be issued and no mortgages that may be made on any part of any line or lines in the Indian Territory or the Territory of Oklahoma shall be a lien on any property in this State, and the Railroad Commission of this State shall not be required to approve any bonds that may be issued on any such line in the Indian Territory or the Territory of Oklahoma, and Chapter 14, Title XCIV, of the Revised Civil Statutes of this State shall not apply thereto.

Sec. 5. Until a purchase shall have been made by the Gulf, Colorado & Santa Fe Railway Company under this act of the properties described in Section 1 hereof, the said Gulf, Colorado & Santa Fe Railway Company is hereby authorized and empowered to lease said railroads and all other properties of the Texas & Gulf Railway Company for a term or terms not exceeding fifty years, upon such terms as may be agreed upon by the said Gulf, Colorado & Santa Fe Railway Company and the owner or owners of said railroads and other properties, or either of them, and to operate the same, or either or the same during any such lease as a part of its own lines. During the existence of any such lease the Texas & Gulf Railway Company shall remain liable upon all valid contracts and for all debts and liabilities of every character at the time that such lease is executed, to the same extent as though such lease had not been executed. Provided, that the rental to be paid under any such lease, in addition to the cost of maintenance and operation, shall not exceed a sum equal to the interest on the bonds of the Texas & Gulf Railway Company, approved by the Railroad Commission of Texas, and to a dividend at the rate of 5 per cent per annum on its stock lawfully issued.

Sec. 6. In the event of any purchase of any of the property described in Section 1 of this act by the Gulf, Colorado & Santa Fe Railway Company, said property so purchased shall, in the possession of the Gulf, Colorado & Santa Fe Railway Company, be and remain li-

able upon all valid contracts and for all debts and liabilities (other than bonds which may have been canceled as provided in this act) existing at the time of such purchase, to the same extent that the same would have been while owned by and in the possession of the corporation or corporations, person or persons, from whom such purchase shall be made; it being the intent hereof that such purchase shall not discharge such property from any contract, obligation or other liability which would have existed but for such purchase, and suits pending at the time of such purchase may be prosecuted and suits thereafter may be instituted on any such debt, liability or contract, in which service of process may be had upon any officer or agent of the Gulf, Colorado & Santa Fe Railway Company, on whom service may be authorized by the General Laws of this State, and in such suit or suits the party or parties shall be entitled to any and every remedy that would have existed had no such purchase been made.

Sec. 7. Any purchase or lease authorized by this act shall be valid only when approved by a vote of two-thirds of the stock of each company to be affected thereby.

Sec. 8. Until such bonds shall be acquired by the Gulf, Colorado & Santa Fe Railway Company, or canceled as hereinbefore provided, the Gulf, Colorado & Santa Fe Railway Company is hereby authorized and empowered to guarantee the payment of the bonds now or hereafter issued and interest thereon as the same shall accrue, of the Texas & Gulf Railway Company. Until such purchase shall have been made, as authorized by Section 1, the Gulf, Colorado & Santa Fe Railway Company may purchase any or all of the capital stock of the Texas & Gulf Railway Company now or hereafter issued, and may subscribe and pay for capital stock that may be hereafter lawfully issued by the Texas & Gulf Railway Company, but such purchase of stock by the Gulf, Colorado & Santa Fe Railway Company shall be made only after a certificate by the Railroad Commission that the price to be paid therefor is not more than the fair value thereof.

Sec. 9. The Texas & Gulf Railway Company or the Gulf, Colorado & Santa Fe Railway Company shall within three years from the date when this act shall take effect construct a railroad from Longview in Gregg county, Texas, to a point on Red River in this State, and a railroad from some point on the present line of the Texas & Gulf Railway Company to some point on the present

line of the Gulf, Beaumont & Great Northern Railway Company, both points being in the State of Texas, and to provide for the construction of said railroads said companies and each of them are hereby authorized to amend their respective charters under the General Laws of this State. If the railroads to be constructed as provided herein shall not be constructed within said three years, the powers, rights and privileges granted by this act shall be forfeited; provided further, that the Gulf, Colorado & Santa Fe Railway Company shall establish and maintain division headquarters in the city of Longview, Texas.

Sec. 10. The crowded condition of the calendar and the demand for a continuous north and south line through the eastern section of the State, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

(Minority Report.)

Committee Room,
Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Internal Improvements, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Company now owned and hereafter acquired, etc.,"

And for which a committee bill was substituted, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass.

SENER,
HOLSEY,
LOONEY,

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 197, A bill to be entitled "An Act creating the Kosse Independent School District in Limestone county, Texas," etc.,

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Concurrent Resolution No. 4, Recalling Senate bill No. 165 from the Governor,

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 139, "An Act to create the Tulia Independent School District, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 3:30 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 90, "An Act to create a more efficient road system for Wharton and Lavaca counties,"

And find the same correctly enrolled, and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 69, "An Act to repeal Chapter 32 of the Acts of the Twenty-eighth Legislature, page 241, entitled

"An Act to create a more efficient road law for Henderson county, creating the office of county road superintendent, prescribing his qualifications and duties; providing for working county and State convicts and delinquent poll tax payers on public roads; rewards and penalties for escaped convicts; for the appointment and duties of road overseers, and fixing the amount of their pay, and pre-

scribing penalties against road overseers, hands and road superintendent, and prescribing the duties of the county attorney, grand jury and district judge in seeing its provisions enforced; fixing width of public roads, and providing how they shall be worked, graded, etc.; for the building of bridges, culverts, etc., by the lowest responsible bidder, the plan for which is furnished by the county superintendent; for the hiring of teams, tools and wagons by the county superintendent and overseers, and relieving of hands by paying \$4 per annum, and for opening up two first-class roads running east and west and north and south through the county seat; and for the appropriating of the taxes collected in each commissioners precinct; fixing the ages of persons liable to work on roads; providing for the levy of road and bridge tax, and issuance of bonds for road and bridge purposes; and fixing the bonds of the county superintendent and road overseers, and penalties to be recovered in case of a breach thereof; and providing that, in cases where there is a conflict in this and the General Laws of the State, this supersedes the General Law, and where there is no conflict the General Law still remains in force, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 92, "An Act to incorporate Wellington School District in Collingsworth county, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 161, "An Act to incorporate Hallettsville Independent School District, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 3:30 o'clock p. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Committee Substitute Senate bill No. 33, "An Act to confer the power of eminent domain upon interurban electric railway companies, to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters, and arms of the sea, and to condemn easements and rights of way upon the track or tracks of any electric street railway companies in this State, and to regulate the manner thereof, providing for the making this law cumulative of the General Laws of the State of Texas, and to confer upon interurban electric railway companies the authority to produce, supply and sell electric light and power to the public and to municipalities, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all corporations chartered for the purpose of constructing, acquiring, maintaining and operating lines of electric railway between any cities and towns in the State of Texas for the transportation of freight or passengers, or both, shall have the right of eminent domain, as fully to all intents and purposes as is now conferred by law upon steam railroad corporations, and shall have the right and power to enter upon, condemn and appropriate the lands, rights of way, easements and property of any person or corporation whomsoever for the purpose of acquiring rights of way upon which to construct and operate their lines of railways and sites for depots and power plants; provided, that no cemetery grounds, nor any part thereof, shall be so taken or condemned.

Sec. 2. Such corporations shall have the right and power to lay out rights of way for their railways not to exceed two hundred feet in width, and to construct their railways and appurtenances thereon; and for the purpose of cuttings and embankments to take as much more land as may be necessary for the proper construction and security of their said

railways, and to cut down any standing trees, or remove any other structure that may be in danger of falling upon or obstructing such railway, compensation being made therefor in accordance with law. And to the accomplishment of these ends such corporation shall have the right to cause such examination and survey of their proposed railways to be made as may be necessary to the selection of the most advantageous route, and for such purposes may enter upon the lands or waters of any person or corporation subject to responsibility for all damages that may be occasioned thereby.

Sec. 3. Such corporations shall have the right and power to construct their railways along, across and over any stream of water, water course, bay, navigable water, arm of the sea, street, highway, steam railway, plank road, turnpike or canal which the route of such railway shall touch, and shall have the right to erect and operate bridges, trams, trestles or causeways over along or across any such stream, water course, navigable water, bay, arm of the sea, street, highway, plank road, turnpike or canal. Provided, however, that any such bridge or other structure shall be so erected as not unnecessarily or unreasonably to prevent the navigation of any such stream, water course, bay, arm of the sea, or navigable water; and provided further, that nothing herein contained shall authorize the construction of any such railway upon or across any street, alley, square or property of any incorporated city or town, without the assent of said corporation of said city or town, and that in case of the construction of any electric railway along and upon highways, plank roads, turnpikes, or canals, such interurban electric railway company shall first obtain the consent of the lawful authorities having the jurisdiction of the same.

Sec. 4. The power of eminent domain, and of condemnation of property thereunder herein given, shall be exercised upon the same conditions, in the same manner and subject to the same regulations, restrictions and penalties as is now provided by law in cases of steam railway companies as set forth in Articles 4422 to 4438 inclusive, and from 4440 to 4475 inclusive, being Chapter 8 of Title XCIV, of the Revised Civil Statutes of the State of Texas, and subsequent acts of the Legislature of said State, amendatory of, and supplemental thereto, and especially the following, to-wit: Act approved April 15, 1899, being Chapter 70 of the General Laws of

the Twenty-sixth Legislature; act approved March 7, 1901, being Chapter 17 of the Acts of the Twenty-seventh Legislature, and an Act approved April 1, 1901, being Chapter 36 of the Acts of the Twenty-seventh Legislature; it being the purpose of this act to confer upon interurban railway companies all rights and powers of eminent domain hereinabove set out and conferred upon steam railway companies in this State, and to regulate the manner of exercise thereof, as is provided in the case of such steam railway companies.

Sec. 5. The right of condemnation herein given to interurban electric railway companies shall include the power and authority to condemn, for their use and benefit, easements and rights of way to operate interurban cars along and upon the track or tracks of any electric street railway company owning, controlling or operating such track or tracks upon any public street or alley in any town or city of this State for the purpose hereinafter mentioned, subject to the consent, authority and control of the city council of such town or city.

Any such interurban electric railway company seeking to avail itself of the benefits of this section of this act shall have the right to condemn an easement along and upon the track or tracks of any electric street railway company for the purposes only of securing an entrance into and an outlet from a town or city upon a route to be designated by the city council or other city authorities in control of the streets and alleys of such city. And in any proceeding to condemn an easement or right of way for the purposes above mentioned the court or the jury trying the case shall define and fix the terms and conditions upon which such easement or right of way shall be used; provided, the court rendering such judgment shall be authorized upon a subsequent application or applications by either of the parties to the original proceedings, or any one claiming through or under them to review and conform the terms and conditions of such grant and the provisions of such judgment and the hearing upon such application shall be in the nature of a retrial or such cause with respect to the terms and conditions upon which said easement shall be used, but the court shall not have power upon any such rehearing to declare such easement forfeited, or to impair the exercise thereof. Provided, that no application for a rehearing shall be made until two years after the final judgment on the last preceding application.

An interurban electric railway company, within the meaning of this act, is a corporation chartered under the laws of this State for the purpose of conducting and operating an electric railway between two cities or between two incorporated towns, or between one city and one incorporated town in this State, and the rights secured under this section of this act by any interurban company shall be inoperative and void if the road to be constructed under the charter of said company is not fully constructed from a city or incorporated town to some other city or incorporated town within twelve months from the date of the final judgment awarding to said company said easements and right of way. Any interurban company availing itself of the privileges conferred by this section of this act is hereby prohibited from receiving for transportation at any point on that portion of the track or tracks so condemned—without the consent of the company over whose track or tracks the easement is condemned—any freight or passengers destined to a point or points between the termini of the track or tracks so condemned; and a wilful violation by the company of this provision of this section of this act shall operate to forfeit such easements or rights of way. If this section of this act shall be held by the courts of this State invalid for any reason, such invalidity shall not affect any other section or portion of this act.

Sec. 6. Such interurban electric railway companies shall also have the right and authority to produce, supply and sell electric light and power to the public and to municipalities.

Sec. 7. The provisions of this act shall be held and construed to be cumulative of all General Laws of this State on the subject of interurban electric railways when not in conflict herewith; but nothing contained in this act shall be construed or have the effect to confer the power of eminent domain, or any of the powers herein conferred except those conferred in Section 6, upon any interurban railroad or interurban railroad company or upon any person, firm, association, corporation, or to add to the powers already possessed by any such railroad or railroad company, person, firm, association or corporation so as to enable or authorize it to condemn any land or ground occupied by any portion of its line or track already constructed at the time this act shall take effect, or to condemn any land or ground for the purpose of changing the location of any track or line constructed at the time this act shall take effect. Pro-

vided, that nothing contained in this section shall be construed to take from any interurban railroad, interurban railroad company, person, firm, association or corporation, any power of eminent domain already possessed by it.

Sec. 8. The great necessity for this law, there being none existing upon the subject sufficient to permit interurban electric railway corporations to exercise the rights and powers herein conferred, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days in each house, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 3:30 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, February 28, 1907.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterston.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	

Absent.

Harper.

Absent—Excused.

Willacy.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of yesterday, on motion of Senator Hudspeth, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)